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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,397	12/21/2001	Patrick Zuili	2222.5600000	3617

26111 7590 06/29/2009  
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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2437

MAIL DATE

DELIVERY MODE

06/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/028,397

**Applicant(s)**

ZUILI, PATRICK

**Examiner**

MICHAEL PYZOCCHA

**Art Unit**

2437

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-6, 10-12, 16-22 and 40.  
Claim(s) withdrawn from consideration: 7-9 and 13-15.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Michael Pyzocha/  
Examiner, Art Unit 2437

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 06/19/2009 have been fully considered but they are not persuasive. Applicant argues that Yasuda fails to teach receiving a copy selection associated with designated content of a source file being displayed by a first source application and storing the designated content to the clipboard application; Adobe, Kobata and Yasuda fail to teach storing designated content to a clipboard application and preventing subsequent storage of the designated content in a second destination application via the clipboard application if it is determined that the source file is the secured file; Yasuda and Kobata teach away from a combination and the remaining claims are allowable for the reasons put forth above.

With respect to Applicant's argument (see pages 11-13) that Yasuda fails to teach receiving a copy selection associated with designated content of a source file being displayed by a first source application and storing the designated content to the clipboard application, Yasuda teaches a user conducting a copy operation for copying data on the display unit of the user terminal (see paragraph [0134]). Furthermore, this copy operation is conducted on an application (see paragraph [0168]); in other words the user is copying data (i.e. a source file) within an application that is displayed by the application onto the display unit of the user terminal. Furthermore, Acrobat teaches receiving a copy selection associated with designated content of a source file being displayed by a first source application (see page 17 where Acrobat is the first application). Continuing, Yasuda teaches storing selected data to the clipboard (see paragraphs [0137] and [0138] where the data is transferred and in order to later paste this data as in paragraph [0141] or to clear the data as in paragraph [0140] the data must be stored). Applicant also contends that the data cannot be stored because the controlling of copying of data is done by clearing content of the clipboard, however, as described in paragraphs [0137]-[0140] the data is first transferred to the clipboard and then it is determined whether to control the copying of this data, and when it is controlled the clipboard is cleared otherwise the content remains in the clipboard. Therefore, the modified Adobe, Kobata and Yasuda system discloses receiving a copy selection associated with designated content of a source file being displayed by a first source application and storing the designated content to the clipboard application.

With respect to Applicant's argument (see page 13) that Adobe, Kobata and Yasuda fail to teach storing designated content to a clipboard application and preventing subsequent storage of the designated content in a second destination application via the clipboard application if it is determined that the source file is the secured file, Applicant merely attacks the Kobata reference. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As discussed above, Yasuda teaches storing designated content to a clipboard application (see response above) and preventing subsequent storage of the designated content in a destination application via the clipboard application if it is determined that the source file is the secured file (see Yasuda paragraphs [0137]-[0140] where the data is cleared if the clipboard canceller is on, i.e. all files are secured files). Kobata was relied upon for teaching the prevention of copying data from a first secured document of a first application into a second application (see paragraph [0222]). Therefore, the combination of Adobe, Kobata and Yasuda discloses storing designated content to a clipboard application and preventing subsequent storage of the designated content in a second destination application via the clipboard application if it is determined that the source file is the secured file.

With respect to Applicant's argument (see page 14) that Yasuda and Kobata teach away from a combination, each reference teaches preventing copying and pasting of secured content. Applicant specifically contends that Kobata storing the digital content in memory destroys the clearing process of Yasuda. However, in order for any application to run and display it must be stored in memory, therefore the application from which data is being copied from in Yasuda is stored in memory. Once the data is copied it is stored in a different portion of memory, at a point later in time this data may be cleared by the Yasuda method. As such the references do not teach away from a combination.

Applicant's argument (see page 15), that the remaining claims are allowable for the reasons put forth in the response filed 06/19/2009, is moot in view of the above response.